

PETITION FOR ZONING VARIANCE 84-336-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit an accessory structure to be located in the front yard instead of the required rear yard

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Well is located in rear yard close to house
2. Severe grade and mature woodlot close to rear of house would require costly removal and 12 foot high retaining wall
3. (see plat) closest neighbor is 300 Ft. from front yard location

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Attorney's Telephone No.:
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of April, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 31st day of May, 1984, at 10:15 o'clock A.M.

(over)

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 10
Posted for: Petition for Variance
Petitioner: Warren A. Stewart, et ux
Location of property: 14919 Jarrettsville Pike, 409' W of Manor Rd.
Location of Signs: at entrance to property - facing Jarrettsville Pike
Remarks:
Posted by: [Signature]
Number of Signs: 1
Date of return: 5/17/84

IN RE: PETITION ZONING VARIANCE *
S/S of Jarrettsville Pike, *
409' W of Manor Road (14919 *
Jarrettsville Pike) - 10th *
Election District *
Warren A. Stewart, et ux, *
Petitioners *
Case No. 84-336-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (swimming pool) to be constructed in the front yard instead of the required rear yard, as more fully described on Petitioners' Exhibit 1.

The Petitioner, Warren A. Stewart, appeared and testified. There were no Protestants.

The Petitioners' property, zoned R.C.2, is almost 500 feet wide in front, approximately 400 feet wide in the rear, 806 feet on one side, and 898 feet on the other side. The Petitioners' home was constructed in the middle of the lot with almost 400 feet between Jarrettsville Pike and the dwelling. The proposed swimming pool will be situated in the front yard to the side of the driveway, 155 feet from the adjacent property line on the left as viewed from the road, and 50 feet from the road. It cannot be constructed in the rear because of an existing well, the steep grade of the property, and an existing mature woods. If a swimming pool were constructed in the rear, extensive grading and encroaching into the woods would be necessary, both of which would not be preferable for obvious reasons. The nearest neighbor is about 400 feet away and is not in line of sight of the proposed pool. The nearest neighbors who would be in line of sight are about 1/2 to 3/4 mile away.

The Petitioners seek relief from Section 400.1, pursuant to Section 307, of Baltimore County Zoning Regulations (BCZR).

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

EE-SE Key Sheet
66 & 87 NE 13 & 14 Pos.
NE 22 D Topo
36 Tax Map
Sheets

Re: Item #283 (1983-1984)
Property Owner: Warren A. Stewart, et ux
S/S Jarrettsville Pike 409' W. Manor Rd.
Acres: 14919 Jarrettsville Pike
District: 10th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved.

Jarrettsville Pike (Md. 146) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 283 (1983-1984).

Very truly yours,
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

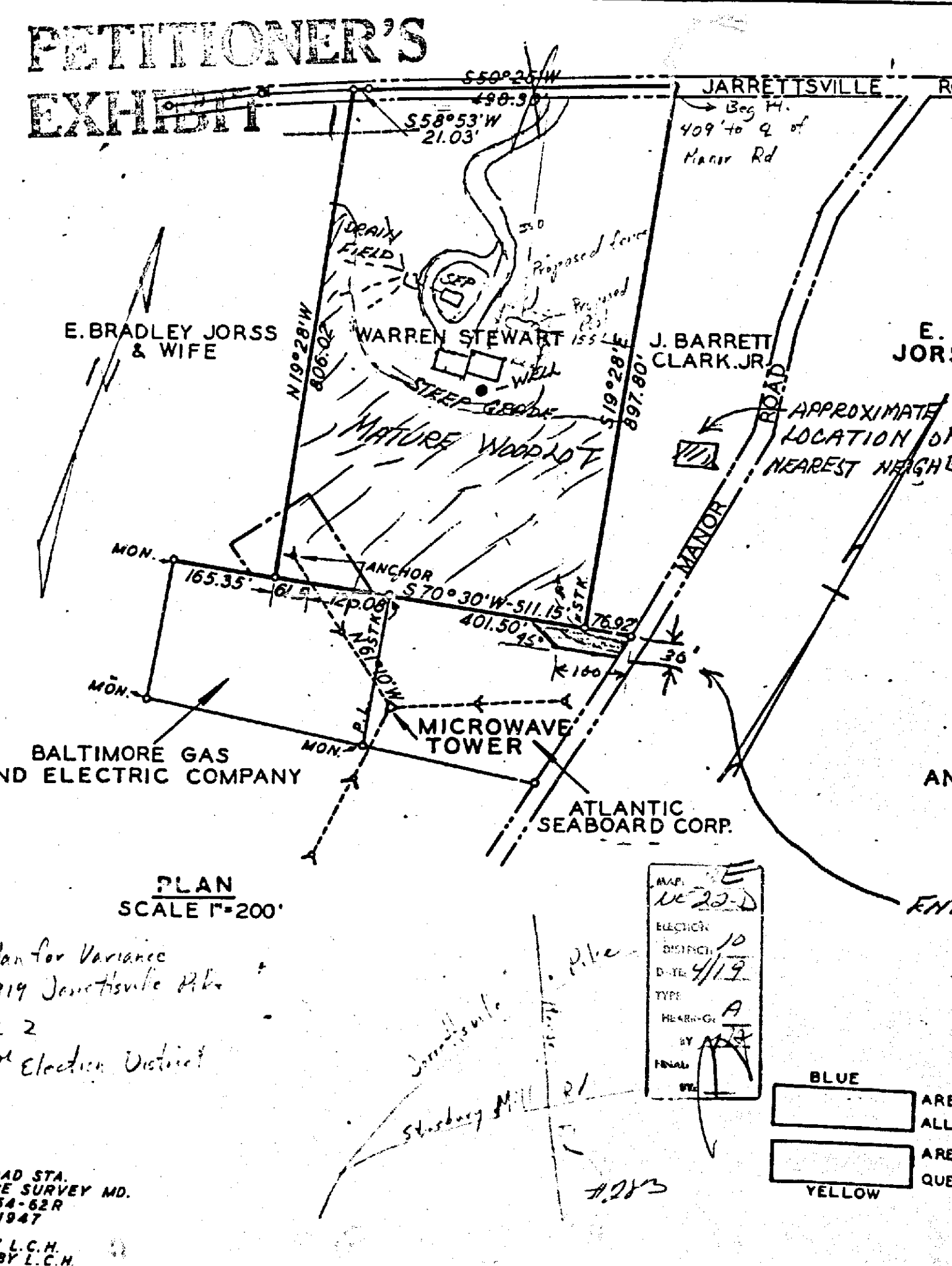
It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on the Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of June, 1984, that the Petition for Zoning Variance to permit an accessory structure (swimming pool) to be constructed in the front yard

ORDER RECEIVED FOR FILING
DATE June 4, 1984
BY [Signature]



PLAN
SCALE 1"=200'

Plan for Variance
14919 Jarrettsville Pike
R.C. 2
10th Election District

OR ROAD STA.
TOWSON SURVEY NO.
840-54-02R
K No. 1847
EWN BY L.C.H.
CREO BY L.C.H.

instead of the required rear yard be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Warren A. Stewart

People's Counsel

ORDER RECEIVED FOR FILING
DATE June 4, 1984
BY [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Zoning Petition Nos. 84-335-A, 84-336-A, 84-337-SPH, 84-338-A,
SUBJECT: 84-339-X, 84-342-A, 84-343-A and 84-344-SPH

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

May 2, 1984

Mr. & Mrs. Warren A. Stewart
14919 Jarrettsville Pike
Monkton, Maryland 21111

NOTICE OF HEARING

Re: Petition for Variance
S/S Jarrettsville Pike, 409' W of Manor
Road (14919 Jarrettsville Pike)
Warren A. Stewart, et ux - Petitioners
Case No. 84-336-A

TIME: 10:15 A.M.

DATE: Thursday, May 31, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

PETITION FOR VARIANCE

10th Election District

ZONING:

Petition for Variance

LOCATION:

South side Jarrettsville Pike, 409 ft. West of Manor
Road (14919 Jarrettsville Pike)

DATE & TIME:

Thursday, May 31, 1984 at 10:15 A.M.

PUBLIC HEARING:

Room 106, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act
and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit an accessory structure to be
located in the front yard instead of the required rear yard

Being the property of Warren A. Stewart, et ux, as shown on plat plan filed with
the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within
the thirty (30) day appeal period. The Zoning Commissioner will, however,
entertain any request for a stay of the issuance of said permit during this period
for good cause shown. Such request must be received in writing by the date of the
hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

DESCRIPTION

Beginning at a point on the South Side of Jarrettsville Pike 409' West of
Manor Road and thence running the next following courses and distances:

1. S 90 38' E 897.80'
2. S 70 30' W 511.15'
3. N 19 28' W 806.02'
4. N 58 53' E 21.03'
5. N 5025' E 198.30'

to the place of beginning.

Also known as 14919 Jarrettsville Pike

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S Jarrettsville Pike, 409' : OF BALTIMORE COUNTY
W of Manor Rd. (14919
Jarrettsville Pike),
10th District
WARREN A. STEWART, et ux, : Case No. 84-336-A
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-
captioned matter. Notices should be sent of any hearing dates or other
proceedings in this matter and of the passage of any preliminary or
final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 9th day of May, 1984, a copy of
the foregoing Entry of Appearance was mailed to Mr. and Mrs. Warren A. Stewart,
14919 Jarrettsville Pike, Monkton, MD 21111, Petitioners.

Peter Max Zimmerman

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 5-31-84 ACC. NO. 101-15-000

AMOUNT 7.00

RECEIVED FROM: Mr. & Mrs. Warren A. Stewart

FOR: Advertising & posting Case No. 84-336-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

May 29, 1984

Mr. & Mrs. Warren A. Stewart
14919 Jarrettsville Pike
Monkton, Maryland 21111

Re: Petition for Variance
S/S Jarrettsville Pike, 409' W of Manor
Road (14919 Jarrettsville Pike)
Case No. 84-336-A

Dear Mr. & Mrs. Stewart:

This is to advise you that \$47.00 is due for advertising and posting
of the above property.

This fee must be paid and our zoning sign and post returned on the day
of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and
remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building,
Towson, Maryland 21204, before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 5-31-84 ACCOUNT 101-15-000

AMOUNT 47.00

RECEIVED FROM: Warren A. Stewart

FOR: Advertising & posting Case No. 84-336-A

VALIDATION OR SIGNATURE OF CASHIER

OLD JABLON
ng Commissioner

BUREAU OF ENGINEERING - BALTIMORE COUNTY MD

CERTIFICATE OF PUBLICATION

TOWSON, MD, May 10, 1984

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., on the 10th day of May, 1984, the first publication
of one time, on the 10th day of May, 1984, before the 31st day of May, 1984, the first publication
appearing on the 10th day of May, 1984.

THE JEFFERSONIAN
L. L. Smith
Manager.

Cost of Advertisement, \$ 17.00

PETITION FOR VARIANCE
10th Election District
ZONING: Petition for Variance
LOCATION: South side Jarrettsville Pike, 409' W of Manor Road (14919 Jarrettsville Pike)
DATE & TIME: Thursday, May 31, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Variance to permit an accessory structure to be located in the front yard instead of the required rear yard.
Being the property of Warren A. Stewart, et ux, as shown on plat plan filed with the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
May 30

JUN 24 1984

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

Case No. 84-336-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
684-3211

Your petition has been received and accepted for filing this
27th day of April, 1984.

ARNOLD JABLON
Zoning Commissioner
Petitioner Warren A. Stewart, et ux
Petitioner's Attorney
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE May 2, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Public Works
State Roads Commission
Bureau of Fire Prevention
Health Department
Public Planning
Business Department
Board of Education
County Administration
Industrial Development

Mr. & Mrs. Warren A. Stewart
14919 Jarrettsville Pike
Monkton, Maryland 21111

RE: Item No. 283 - Case No. 84-336-A
Warren A. Stewart, et ux
Variance Petition

Dear Mr. & Mrs. Stewart:

The Zoning Plans Advisory Committee has reviewed the petition submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURE

Maryland Department of Transportation State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Caltrider
Administrator

April 30, 1984

Mr. A. Jablon
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 4-24-84
ITEM: #283
Property Owner: Warren A. Stewart, et ux
Location: S/S Jarrettsville Pike, Route 146, 409' W. Manor Road
Existing Zoning: R.C. 2
Proposed Zoning: Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.
Acres: 14919 Jarrettsville Pike
District: 10th

Dear Mr. Jablon:

On review of the submittal for variance of an accessory structure, the State Highway Administration finds the plan generally acceptable.

However, it is requested the plan be revised to show a proposed 80' right-of-way (40' each side of the centerline of Jarrettsville Pike, Route 146).

Very truly yours,

Charles E. Burman
Charles E. Burman, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

cc: Mr. J. Ogle
My telephone number is (301) 659-1350
Teleprinter for Impaired Hearing or Speech
3837555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
NORMAN E. GENDER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of
Item #
Property Owner: Warren A. Stewart, et ux
Location: S/S Jarrettsville Pike, Route 146, 409' W. Manor Road

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Area is re-evaluated annually by the County Council.
- () Additional comments: _____

Eugene A. Boller
Eugene A. Boller
Chief, Current Planning and Development

cc: James Boswell

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
454-4500

PAUL H. RINCHIN
CHIEF

May 3, 1984

Mr. William Hannon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Warren A. Stewart, et ux

Location: S/S Jarrettsville Pike 409' W. Manor Road

Item No.: 283

Zoning Agenda: Meeting of 4/27/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3010

TED ZALESKI, JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

April 25, 1984

Dear Mr. Jablon:

Comments on Item #283 Zoning Advisory Committee Meeting are as follows:

Property Owner: Warren A. Stewart, et ux
Location: S/S Jarrettsville Pike 409' W. Manor Road
Existing Zoning: R.C. 2
Proposed Zoning: Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.

Acres: 14919 Jarrettsville Pike
District: 10th.

The items checked below are applicable:

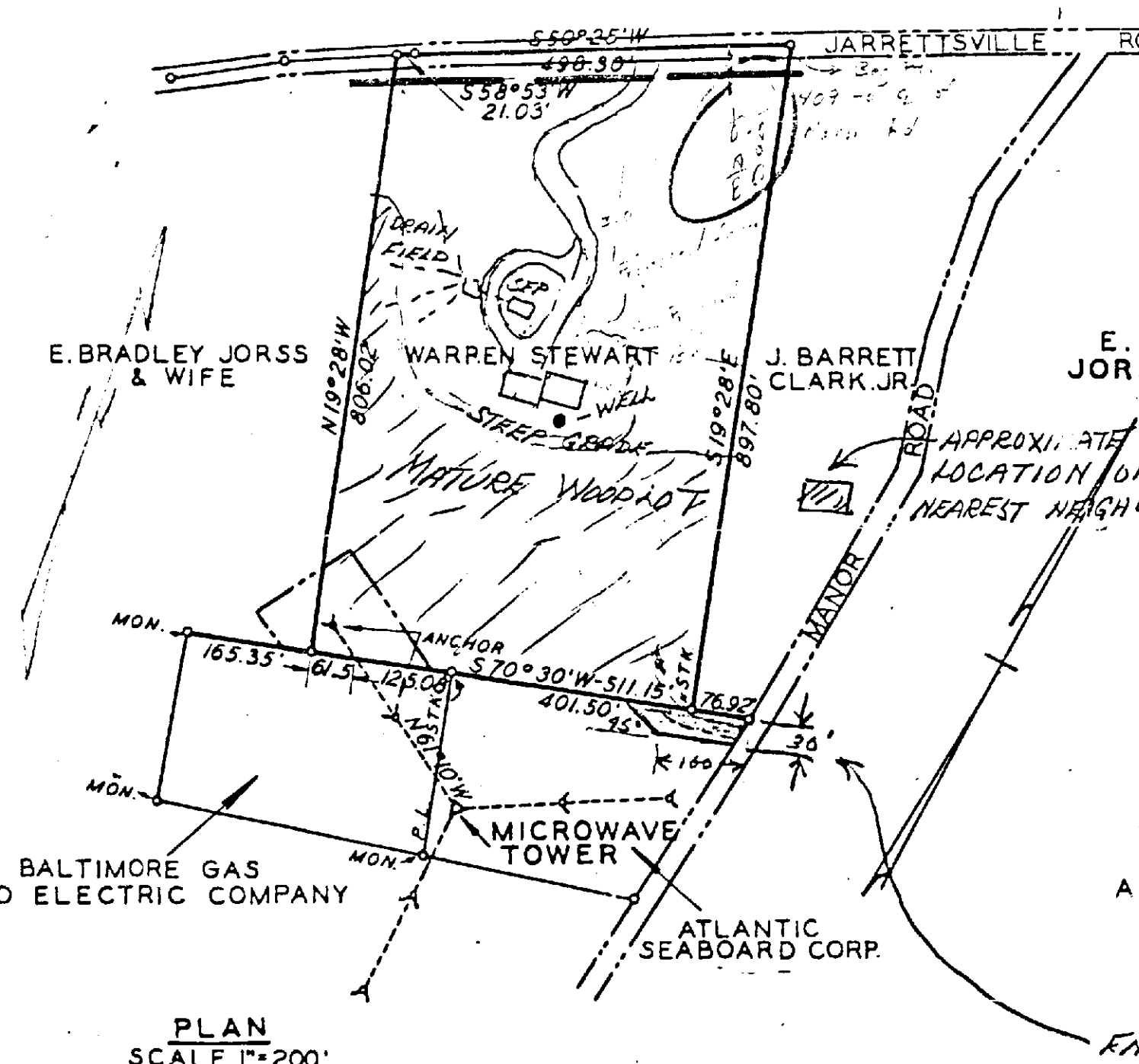
- (x) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 _____ and other applicable codes.
- (x) A building/ & other _____ permit shall be required before beginning construction.
- () Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- () Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- () An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 401, line 2, Section 4107 and Table 4102, also Section 501.2.
- () Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- () A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- () Before this office can comment on the above structure, please have the owner, thru the services of a Registered Professional Engineer or Architect certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- () Comments _____

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burman
Charles E. Burman, Chief
Plans Review

CRB:es



BLUE
ALL
ARI
QUE
YELLOW

1/2 ROAD STA.
CHAVE SURVEY MD.
140-54-020
10-10-82
BY LCH

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD.
100-54-020
10-10-82
BY LCH

JUN 24 1984